

T 510.836.4200
F 510.836.4205

410 12th Street, Suite 250
Oakland, Ca 94607

www.lozeaudrury.com
doug@lozeaudrury.com

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

March 11, 2013

James G. Stull, President
Ray Serrato, General Manager
Valley Metal Treating, Inc.
335 S East End Avenue
Pomona, CA 91766

**Re: Notice of Violations and Intent to File Suit Under the Federal Water
Pollution Control Act**

Dear Mr. Stull and Mr. Serrato:

I am writing on behalf of California Communities Against Toxics ("CCAT") in regard to violations of the Clean Water Act ("Act") that CCAT believes are occurring at the Valley Metal Treating, Inc.'s industrial facility located at 335 S East End Avenue in Pomona, California ("Facility"). CCAT is a non-profit public benefit corporation dedicated to working with communities to advocate for environmental justice and pollution prevention. CCAT has members living in the community adjacent to the Facility and the San Gabriel River Watershed. CCAT and its members are deeply concerned with protecting the environment in and around their communities, including the San Gabriel River Watershed. This letter is being sent to you as the responsible owners, officers, or operators of the Facility (all recipients are hereinafter collectively referred to as "Valley Metal").

This letter addresses Valley Metal's unlawful discharge of pollutants from the Facility through the Los Angeles County municipal storm sewer system into the San Gabriel River. The Facility is discharging storm water pursuant to National Pollutant Discharge Elimination System ("NPDES") Permit No. CA S000001, California Regional Water Quality Control Board, Los Angeles Region ("Regional Board") Order No. 92-12-DWQ as amended by Order No. 97-03-DWQ (hereinafter "General Permit"). The WDID identification number for the Facility listed on documents submitted to the Regional Board is 4191000888. The Facility is engaged in ongoing violations of the substantive and procedural requirements of the General Permit.

Section 505(b) of the Clean Water Act requires a citizen to give notice of intent to file

Notice of Violations and Intent to File Suit

suit sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Act (33 U.S.C. § 1365(a)). Notice must be given to the alleged violator, the U.S. Environmental Protection Agency ("EPA") and the State in which the violations occur.

As required by the Clean Water Act, this Notice of Violation and Intent to File Suit provides notice of the violations that have occurred, and continue to occur, at the Facility. Consequently, Valley Metal is hereby placed on formal notice by CCAT that, after the expiration of sixty days from the date of this Notice of Violations and Intent to Sue, CCAT intends to file suit in federal court against Valley Metal under Section 505(a) of the Clean Water Act (33 U.S.C. § 1365(a)), for violations of the Clean Water Act and the Order. These violations are described more extensively below.

I. Background.

On June 11, 1997, Valley Metal filed a Notice of Intent for Existing Facility Operators to Comply With the Terms of the General Permit to Discharge Storm Water Associated with Industrial Activity ("NOI"). Valley Metal filed an earlier NOI on or about March 23, 1992. In its NOI, Valley Metal has certified that the Facility is classified under SIC Codes 3398 ("metal heat treating"). The Facility discharges storm water from its 21000 square foot industrial site from at least one side of the Facility. The outfalls discharge into Los Angeles County's municipal storm sewer system, which discharges into the San Gabriel River.

The Regional Board has identified beneficial uses of the San Gabriel River Watershed and established water quality standards for it in the "Water Quality Control Plan – Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties", generally referred to as the Basin Plan. See http://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/basin_plan_documentation.shtml. The beneficial uses of these waters include, among others, municipal and domestic supply, agricultural supply, groundwater recharge, water contact recreation, non-contact water recreation, warm freshwater habitat, cold freshwater habitat, and wildlife habitat. The non-contact water recreation use is defined as "[u]ses of water for recreational activities involving proximity to water, but not normally involving contact with water where water ingestion is reasonably possible. These uses include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tidepool and marine life study, hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities." *Id.* at 2-2. Contact recreation use includes fishing and wading. *Id.* Visible pollution, including visible sheens and cloudy or muddy water from industrial areas, impairs people's use of the San Gabriel River for contact and non-contact water recreation and commercial and sport fishing.

The Basin Plan includes a narrative toxicity standard which states that "[a]ll waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in, human, plant, animal, or aquatic life." *Id.* at 3-16. The Basin Plan includes a narrative oil and grease standard which states that "[w]aters shall not contain oils, greases, waxes, or other materials in concentrations that result in a visible film or

coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect beneficial uses.” *Id.* at 3-11. The Basin Plan provides that “[w]aters shall not contain suspended or settleable material in concentrations that cause nuisance or adversely affect beneficial uses.” *Id.* at 3-16. The Basin Plan provides that “[t]he pH of bays or estuaries [or inland surface waters] shall not be depressed below 6.5 or raised above 8.5 as a result of waste discharges.” *Id.* at 3-15. The Basin Plan provides that “[s]urface waters shall not contain concentrations of chemical constituents in amounts that adversely affect any designated beneficial use.” *Id.* at 3-8. The Basin Plan provides that “[w]aters shall not contain floating materials, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.” *Id.* at 3-9. The Basin Plan provides that “[w]aters shall be free of coloration that causes nuisance or adversely affects beneficial uses.” *Id.*

The EPA has published benchmark levels as guidelines for determining whether a facility discharging industrial storm water has implemented the requisite best available technology economically achievable (“BAT”) and best conventional pollutant control technology (“BCT”). The following benchmarks have been established for pollutants discharged by Valley Metal: pH – 6.0 - 9.0 standard units (“s.u.”); total suspended solids (“TSS”) – 100 mg/L, oil and grease (“O&G”) – 15 mg/L, and total organic carbon (“TOC”) – 110 mg/L.

II. Alleged Violations of the NPDES Permit.

A. Discharges in Violation of the Permit not Subjected to BAT/BCT

Valley Metal has violated and continues to violate the terms and conditions of the General Permit. Section 402(p) of the Act prohibits the discharge of storm water associated with industrial activities, except as permitted under an NPDES permit (33 U.S.C. § 1342) such as the General Permit. The General Permit prohibits any discharges of storm water associated with industrial activities or authorized non-storm water discharges that have not been subjected to BAT or BCT. Effluent Limitation B(3) of the General Permit requires dischargers to reduce or prevent pollutants in their storm water discharges through implementation of BAT for toxic and nonconventional pollutants and BCT for conventional pollutants. BAT and BCT include both nonstructural and structural measures. General Permit, Section A(8). Conventional pollutants are TSS, O&G, pH, biochemical oxygen demand (“BOD”), and fecal coliform. 40 C.F.R. § 401.16. All other pollutants are either toxic or nonconventional. *Id.*; 40 C.F.R. § 401.15.

In addition, Discharge Prohibition A(1) of the General Permit prohibits the discharge of materials other than storm water (defined as non-storm water discharges) that discharge either directly or indirectly to waters of the United States. Discharge Prohibition A(2) of the General Permit prohibits storm water discharges and authorized non-storm water discharges that cause or threaten to cause pollution, contamination, or nuisance.

Receiving Water Limitation C(1) of the General Industrial Storm Water Permit prohibits storm water discharges and authorized non-storm water discharges to surface or groundwater that adversely impact human health or the environment. Receiving Water Limitation C(2) of the

General Permit also prohibits storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of any applicable water quality standards contained in a Statewide Water Quality Control Plan or the applicable Regional Board's Basin Plan. The General Permit does not authorize the application of any mixing zones for complying with Receiving Water Limitation C(2). As a result, compliance with this provision is measured at the Facility's discharge monitoring locations.

Valley Metal has discharged and continues to discharge storm water with unacceptable levels of pH, TSS, TOC, and other pollutants in violation of the General Permit. Valley Metal's sampling and analysis results reported to the Regional Board confirm discharges of specific pollutants and materials other than storm water in violation of the Permit provisions listed above. Self-monitoring reports under the Permit are deemed "conclusive evidence of an exceedance of a permit limitation." *Sierra Club v. Union Oil*, 813 F.2d 1480, 1493 (9th Cir. 1988).

The following discharges of pollutants from the Facility have contained concentrations of pollutants in excess of numeric water quality standards established in the Basin Plan and the California Toxics Rule and has thus violated Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) and are evidence of ongoing violations of Effluent Limitation B(3) of the General Industrial Storm Water Permit.

Date	Parameter	Observed Concentration / Conditions	Basin Plan Water Quality Standard	Outfall (as identified by the Facility)
10/14/2009	pH	8.77 s.u.	6.5 – 8.5 s.u.	South West Corner of Property
2/12/2009	pH	9.1 s.u.	6.5 – 8.5 s.u.	South West Corner of Property
3/17/2012	Narrative	Suspended materials / Discoloration	Basin Plan at 3-16/ Basin Plan at 3-9	Sheet Flow West Side
12/12/2011	Narrative	Suspended materials / Discoloration	Basin Plan at 3-16/ Basin Plan at 3-9	Sheet Flow West Side
11/4/2011	Narrative	Suspended materials / Discoloration	Basin Plan at 3-16/ Basin Plan at 3-9	Sheet Flow West Side
10/5/2011	Narrative	Suspended materials / Discoloration	Basin Plan at 3-16/ Basin Plan at 3-9	Sheet Flow West Side
12/29/2010	Narrative	Floating materials / Suspended materials / Oil or Grease / Discoloration	Basin Plan at 3-9/ Basin Plan at 3-16/ Basin Plan at 3-11	Sheet Flow West Side
10/19/2010	Narrative	Suspended materials / Oil or Grease / Discoloration	Basin Plan at 3-9/ Basin Plan at 3-16/ Basin Plan at 3-11	Sheet Flow West Side
10/6/2010	Narrative	Suspended materials /	Basin Plan at 3-9/	Sheet Flow West

		Discoloration	Basin Plan at 3-16/ Basin Plan at 3-11	Side
2/9/2010	Narrative	Floating materials / Suspended materials / Oil or Grease / Discoloration	Basin Plan at 3-9/ Basin Plan at 3-16/ Basin Plan at 3-11	Sheet Flow West Side
12/7/2009	Narrative	Floating materials / Suspended materials / Oil or Grease / Discoloration	Basin Plan at 3-9/ Basin Plan at 3-16/ Basin Plan at 3-11	Sheet Flow West Side
10/14/09	Narrative	Floating materials / Suspended materials / Oil or Grease / Discoloration	Basin Plan at 3-9/ Basin Plan at 3-16/ Basin Plan at 3-11	Sheet Flow West Side
2/12/2009	Narrative	Floating materials / Suspended materials / Oil or Grease / Discoloration	Basin Plan at 3-9/ Basin Plan at 3-16/ Basin Plan at 3-11	Sheet Flow West Side
12/22/2008	Narrative	Floating materials / Suspended materials / Oil or Grease / Discoloration	Basin Plan at 3-9/ Basin Plan at 3-16/ Basin Plan at 3-11	Sheet Flow West Side

The information in the above table reflects data gathered from Valley Metal's self-monitoring during the 2008-2009, 2009-2010, 2010-2011, and 2011-2012 wet seasons. CCAT alleges that during each of those wet seasons and continuing through today, Valley Metal has discharged storm water contaminated with pollutants at levels or observations that exceed or violate one or more applicable water quality standards, including but not limited to each of the following:

- pH – 6.5 – 8.5 s.u. (Basin Plan)
- Suspended materials – waters shall not contain suspended or settleable material in concentrations that cause nuisance or adversely affect beneficial uses
- Discoloration – waters shall be free of coloration that causes nuisance or adversely affects beneficial uses
- Floating materials – waters shall not contain floating materials, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses
- Oil or Grease – waters shall not contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect beneficial uses

The following discharges of pollutants from the Facility have violated Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) and are evidence of ongoing violations of Effluent Limitation B(3) of the General Industrial Storm Water Permit.

Date	Parameter	Observed Concentration	EPA Benchmark Value	Location (as identified by the Facility)
11/4/2011	Total Suspended Solids	2700 mg/L	100 mg/L	SW Corner
11/4/2011	Total Organic Carbon	300 mg/L	110 mg/L	SW Corner
10/5/2011	Total Suspended Solids	660 mg/L	100 mg/L	SW Corner
10/5/2011	Total Organic Carbon	210 mg/L	110 mg/L	SW Corner
12/29/2010	Total Suspended Solids	480 mg/L	100 mg/L	West Side
12/7/2010	Total Suspended Solids	1100 mg/L	100 mg/L	South West Corner of Property
12/7/2010	Total Organic Carbon	370 mg/L	110 mg/L	South West Corner of Property
10/14/2009	Total Suspended Solids	2800 mg/L	100 mg/L	South West Corner of Property
2/12/2009	pH	9.1 s.u.	6.0 – 9.0 s.u.	South West Corner of Property
2/12/2009	Total Suspended Solids	380 mg/L	100 mg/L	South West Corner of Property
12/22/2008	Total Suspended Solids	710 mg/L	100 mg/L	South West Corner of Property
12/22/2008	Total Organic Carbon	210 mg/L	110 mg/L	South West Corner of Property

The information in the above table reflects data gathered from Valley Metal's self-monitoring during the 2008-2009, 2009-2010, 2010-2011, and 2011-2012 wet seasons. CCAT alleges that during each of those rainy seasons and continuing through today, Valley Metal has discharged storm water contaminated with pollutants at levels that exceed one or more applicable EPA Benchmarks, including but not limited to each of the following:

- Total Suspended Solids – 100 mg/L
- Total Organic Carbon – 110 mg/L
- pH – 6.0 – 9.0 s.u.

CCAT's investigation, including its review of Valley Metal's analytical results documenting pollutant levels in the Facility's storm water discharges well in excess of applicable water quality standards and the EPA's benchmark values indicates that Valley Metal has not implemented BAT and BCT at the Facility for its discharges of pH, TSS, TOC, and other pollutants in violation of Effluent Limitation B(3) of the General Permit. Valley Metal was required to have implemented BAT and BCT by no later than October 1, 1992, or since the date

the Facility opened. Thus, Valley Metal is discharging polluted storm water associated with its industrial operations without having implemented BAT and BCT.

In addition, the numbers listed in the table above indicate that the Facility is discharging polluted storm water in violation of Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) of the General Permit. CCAT alleges that such violations also have occurred and will occur on other rain dates, including every significant rain event that has occurred since March 11, 2008 and that will occur at the Facility subsequent to the date of this Notice of Violation and Intent to File Suit. Attachment A, attached hereto, sets forth each of the specific rain dates on which CCAT alleges that Valley Metal has discharged storm water containing impermissible levels of pH, TSS, and TOC in violation of Effluent Limitation B(3), Discharge Prohibitions A(1) and A(2), and Receiving Water Limitations C(1) and C(2) of the General Permit.¹

These unlawful discharges from the Facility are ongoing. Each discharge of storm water containing any of these pollutants constitutes a separate violation of the General Industrial Storm Water Permit and the Act. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, Valley Metal is subject to penalties for violations of the General Permit and the Act since March 11, 2008.

B. Failure to Develop and Implement an Adequate Monitoring and Reporting Program

Section B of the General Permit describes the monitoring requirements for storm water and non-storm water discharges. Facilities are required to make monthly visual observations of storm water discharges (Section B(4)) and quarterly visual observations of both unauthorized and authorized non-storm water discharges (Section B(3)). Section B(5) requires facility operators to sample and analyze at least two storm water discharges from all storm water discharge locations during each wet season. Section B(7) requires that the visual observations and samples must represent the "quality and quantity of the facility's storm water discharges from the storm event."

The above-referenced data was obtained from the Facility's monitoring program as reported in its Annual Reports submitted to the Regional Board. This data is evidence that the Facility has violated various Discharge Prohibitions, Receiving Water Limitations, and Effluent Limitations in the General Permit. To the extent the storm water data collected by Valley Metal is not representative of the quality of the Facility's various storm water discharges and that the Facility failed to monitor all qualifying storm water discharges, CCAT, alleges that the Facility's monitoring program violates Sections B(3), (4), (5) and (7) of the General Permit.

¹ The rain dates are all the days when an average of 0.1" or more rain fell as measured by a weather station located in Pomona, as well as comparing this data to the reported observations from the rain gauge at the Facility.

CCAT also alleges that Valley Metal has failed to conduct monthly visual observations of all storm water discharge locations at the Facility during March 2011, January 2010, and November 2008.

The above violations are ongoing. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, Valley Metal is subject to penalties for violations of the General Permit and the Act's monitoring and sampling requirements since March 11, 2008.

C. *Failure to Analyze for Mandatory Parameters*

With some limited adjustments, facilities covered by the General Permit must sample two storm events per season from each of their storm water discharge locations. General Permit, Section B(5)(a). Collected samples must be analyzed for TSS, pH, specific conductance, and either TOC or O&G. *Id.* at Section B(5)(c)(i). Facilities also must analyze their storm water samples for "[t]oxic chemicals and other pollutants that are likely to be present in storm water discharges in significant quantities. *Id.* at Section B(5)(c)(ii). On information and belief, CCAT alleges that Valley Metal regularly discharges O&G in significant quantities and has failed to monitor its storm water discharges for O&G for the last five years. On its 2007-2008 Annual Report, Valley Metal reported O&G observations of 24 mg/L and 49 mg/L on December 18, 2007, and November 30, 2007, respectively. These values are well in excess of the benchmark value of 15 mg/L. Since the 2007-2008 wet season, Valley Metal has failed to analyze its storm water discharges for O&G.

In addition, on information and belief, CCAT alleges that Valley Metal's storm water discharges contain metal constituents that would be found in metal dust from slag generated at the Facility. On its 2011-2012 and 2010-2011 Annual Reports, Valley Metal reported the presence of metal dust from slag in the material handling areas. In its 2011-2012 Annual Report, Valley Metal reported that such dust, coupled with powdered materials from forklift traffic, was "likely the source of high concentrations in the storm water samples." CCAT alleges that is thus likely that significant quantities of iron, zinc, aluminum, and copper would likely be present in Valley Metal's storm water discharges, since it is likely that those metals would be present in metal dust from slag. Thus, Valley Metal has violated Section B(5)(c)(ii) of the General Permit by failing to analyze for iron, zinc, aluminum, and copper in all storm water discharges from the past five years. Failing to monitor for at least four constituents in seven samples results in at least twenty-eight violations.

These violations are ongoing. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, Valley Metal is subject to penalties for violations of the General Permit and the Act since March 11, 2008.

D. Failure to Prepare, Implement, Review and Update an Adequate Storm Water Pollution Prevention Plan

Section A and Provision E(2) of the General Industrial Storm Water Permit require dischargers of storm water associated with industrial activity to develop, implement, and update an adequate storm water pollution prevention plan ("SWPPP") no later than October 1, 1992. Section A(1) and Provision E(2) requires dischargers who submitted an NOI pursuant to the General Permit to continue following their existing SWPPP and implement any necessary revisions to their SWPPP in a timely manner, but in any case, no later than August 1, 1997.

The SWPPP must, among other requirements, identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm and non-storm water discharges from the facility and identify and implement site-specific best management practices ("BMPs") to reduce or prevent pollutants associated with industrial activities in storm water and authorized non-storm water discharges (General Permit, Section A(2)). The SWPPP must include BMPs that achieve BAT and BCT (Effluent Limitation B(3)). The SWPPP must include: a description of individuals and their responsibilities for developing and implementing the SWPPP (General Permit, Section A(3)); a site map showing the facility boundaries, storm water drainage areas with flow pattern and nearby water bodies, the location of the storm water collection, conveyance and discharge system, structural control measures, impervious areas, areas of actual and potential pollutant contact, and areas of industrial activity (General Permit, Section A(4)); a list of significant materials handled and stored at the site (General Permit, Section A(5)); a description of potential pollutant sources including industrial processes, material handling and storage areas, dust and particulate generating activities, a description of significant spills and leaks, a list of all non-storm water discharges and their sources, and a description of locations where soil erosion may occur (General Permit, Section A(6)).

The SWPPP also must include an assessment of potential pollutant sources at the Facility and a description of the BMPs to be implemented at the Facility that will reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges, including structural BMPs where non-structural BMPs are not effective (General Permit, Section A(7), (8)). The SWPPP must be evaluated to ensure effectiveness and must be revised where necessary (General Permit, Section A(9),(10)).

CCAT's investigation of the conditions at the Facility as well as Valley Metal's Annual Reports indicate that Valley Metal has been operating with an inadequately developed or implemented SWPPP in violation of the requirements set forth above. Valley Metal has failed to evaluate the effectiveness of its BMPs and to revise its SWPPP as necessary. Valley Metal has been in continuous violation of Section A and Provision E(2) of the General Permit every day since March 11, 2008, at the very latest, and will continue to be in violation every day that Valley Metal fails to prepare, implement, review, and update an effective SWPPP. Valley Metal is subject to penalties for violations of the Order and the Act occurring since March 11, 2008.

E. Failure to File True and Correct Annual Reports

Section B(14) of the General Industrial Storm Water Permit requires dischargers to submit an Annual Report by July 1st of each year to the executive officer of the relevant Regional Board. The Annual Report must be signed and certified by an appropriate corporate officer. General Permit, Sections B(14), C(9), (10). Section A(9)(d) of the General Industrial Storm Water Permit requires the discharger to include in their annual report an evaluation of their storm water controls, including certifying compliance with the General Industrial Storm Water Permit. *See also* General Permit, Sections C(9) and (10) and B(14).

For the last five years, Valley Metal and its agent, Ray Serrato, inaccurately certified in i Annual Reports that the Facility was in compliance with the General Permit. Consequently, Valley Metal has violated Sections A(9)(d), B(14) and C(9) & (10) of the General Industrial Storm Water Permit every time Valley Metal failed to submit a complete or correct report and every time Valley Metal or its agents falsely purported to comply with the Act. Valley Metal is subject to penalties for violations of Section (C) of the General Industrial Storm Water Permit and the Act occurring since at least June 23, 2009.

III. Persons Responsible for the Violations.

CCAT puts Valley Metal, James Stull, and Ray Serrato on notice that they are the persons responsible for the violations described above. If additional persons are subsequently identified as also being responsible for the violations set forth above, CCAT puts Valley Metal, James Stull, and Ray Serrato on notice that it intends to include those persons in this action.

IV. Name and Address of Noticing Parties.

The name, address and telephone number of CCAT is as follows:

Jane Williams
Executive Director
California Communities Against Toxics
P.O. Box 845
Rosamond, CA 93560
Tel. (661) 510-3412

V. Counsel.

CCAT has retained counsel to represent it in this matter. Please direct all communications to:

Michael R. Lozeau
Douglas J. Chermak
Lozeau Drury LLP
410 12th Street, Suite 250
Oakland, California 94607
Tel. (510) 836-4200
michael@lozeaudrury.com
doug@lozeaudrury.com

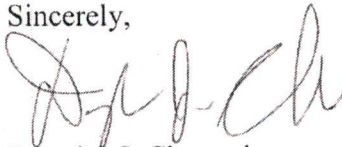
Gideon Kracov
Law Office of Gideon Kracov
801 S. Grand Avenue, 11th Floor
Los Angeles, CA 90017
gk@gideonlaw.net

VI. Penalties.

Pursuant to Section 309(d) of the Act (33 U.S.C. § 1319(d)) and the Adjustment of Civil Monetary Penalties for Inflation (40 C.F.R. § 19.4) each separate violation of the Act subjects Valley Metal to a penalty of up to \$32,500 per day per violation for all violations occurring during the period commencing five years prior to the date of this Notice of Violations and Intent to File Suit through January 12, 2009, and a maximum of \$37,500 per day per violation for all violations occurring after January 12, 2009. In addition to civil penalties, CCAT will seek injunctive relief preventing further violations of the Act pursuant to Sections 505(a) and (d) (33 U.S.C. § 1365(a) and (d)) and such other relief as permitted by law. Lastly, Section 505(d) of the Act (33 U.S.C. § 1365(d)), permits prevailing parties to recover costs and fees, including attorneys' fees.

CCAT believes this Notice of Violations and Intent to File Suit sufficiently states grounds for filing suit. CCAT intends to file a citizen suit under Section 505(a) of the Act against Valley Metal and its agents for the above-referenced violations upon the expiration of the 60-day notice period. However, during the 60-day notice period, CCAT would be willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions in the absence of litigation, CCAT suggests that you initiate those discussions within the next 20 days so that they may be completed before the end of the 60-day notice period. CCAT does not intend to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

Sincerely,



Douglas J. Chermak
Lozeau Drury LLP
Attorneys for California Community Against Toxics

SERVICE LIST

Bob Perciasepe, Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Thomas Howard, Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Eric Holder, U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Jared Blumenfeld, Regional Administrator
U.S. EPA – Region 9
75 Hawthorne Street
San Francisco, CA, 94105

Samuel Unger, Executive Officer
Los Angeles Regional Water Quality Control Board
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

ATTCHMENT A
Rain Dates, Valley Metal Treating, Pomona, California

4/14/2008	1/22/2010	12/21/2010
5/22/2008	1/26/2010	12/22/2010
5/23/2008	2/5/2010	12/25/2010
11/1/2008	2/6/2010	12/26/2010
11/4/2008	2/9/2010	12/29/2010
11/25/2008	2/21/2010	1/2/2011
11/26/2008	2/27/2010	1/3/2011
12/15/2008	3/3/2010	1/30/2011
12/17/2008	3/6/2010	2/10/2011
12/22/2008	4/5/2010	2/16/2011
12/25/2008	4/1/2010	2/18/2011
1/19/2009	4/5/2010	2/19/2011
1/23/2009	4/12/2010	2/25/2011
2/5/2009	4/20/2010	2/26/2011
2/6/2009	4/28/2010	3/20/2011
2/7/2009	7/15/2010	3/21/2011
2/8/2009	9/30/2010	3/23/2011
2/9/2009	10/1/2010	3/25/2011
2/10/2009	10/2/2010	5/18/2011
2/12/2009	10/5/2010	10/5/2011
2/13/2009	10/6/2010	11/12/2011
2/16/2009	10/21/2010	11/20/2011
2/17/2009	10/18/2010	12/12/2011
3/4/2009	10/19/2010	12/15/2011
10/13/2009	10/20/2010	1/21/2012
10/14/2009	10/21/2010	1/23/2012
10/20/2009	10/25/2010	2/11/2012
12/7/2009	10/30/2010	2/15/2012
12/10/2009	11/6/2010	2/27/2012
12/11/2009	11/8/2010	3/17/2012
12/12/2009	11/20/2010	3/25/2012
12/13/2009	11/21/2010	3/26/2012
12/30/2009	12/5/2010	3/31/2012
1/13/2010	12/6/2010	4/11/2012
1/17/2010	12/16/2010	4/13/2012
1/18/2010	12/17/2010	4/25/2012
1/19/2010	12/18/2010	10/11/2012
1/20/2010	12/19/2010	11/8/2012
1/21/2010	12/20/2010	11/17/2012

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11/30/2012

12/2/2012

12/3/2012

12/13/2012

12/18/2012

12/24/2012

12/26/2012

12/29/2012

1/24/2013

1/25/2013

2/8/2013

2/19/2013